

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	2:21cr98-MHT
)	(WO)
CAESAR JAY LEAL, JR.)	

ORDER

This case comes before the court on the government's motion in limine to issue a pre-trial ruling pursuant to Federal Rules of Evidence 402 and 403. The government requests the court exclude any testimony or other evidence concerning the death of defendant Caesar Jay Leal, Jr.'s child in 2015. See Government's Third Mot. in Limine (Doc. 219) at 1.

Under Federal Rule of Evidence 401, "[e]vidence is relevant if (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action." Fed. R. Evid. 401. Per Rule 402, "[i]rrelevant evidence is not admissible." Fed. R. Evid. 402. The government argues that the evidence

concerning the death of Leal's child is "irrelevant for the purpose of determining [his] guilt," because it has no bearing on facts of consequence in this case. Government's Third Mot. in Limine (Doc. 219) at 2.

At this time, a decision on the admissibility of this evidence under Rule 402 and Rule 403 (providing that relevant evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice) is premature. The relevance of this evidence for any purpose will likely depend on the other evidence presented by either party.

Accordingly, it is ORDERED that the request in the government's third motion in limine that the court rule on the admissibility of testimony or other evidence concerning the death of Leal's child is granted as follows:

(1) The defendant, Caesar Jay Leal, Jr., shall not mention the 2015 death of his child in his opening statement.

(2) The defendant shall not elicit this evidence without first obtaining a ruling on the admissibility of the evidence from the court outside the presence of the jury.

(3) Nevertheless, the government should still be prepared to respond to the evidence at trial should the court find that it is admissible and can be heard by the jury.

DONE, this the 9th day of March, 2023.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE